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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#21

APPLICANT: James V. Young	GROUP ART UNIT: 3764
SERIAL NO.: 09/176,866	EXAMINER: Demille, Danton D.
FILED: October 22, 1998	DOCKET NO.: 6996
FOR: MASSAGE APPARATUS	

St. Louis, Missouri  
April 22, 2003

**BOX DAC**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition Fee

- ☒ small business entity -- fee \$650.00. Applicant claims small entity status.  
☐ other than small entity -- fee \$1,300.00.

## 2. Response filed:

Note: The response does not require a request and fee for extension of time as a condition of revival.

A. The reply and/or fee to the above-noted Official Action in the form of Appellant's Brief

- ☐ has been previously filed on \_\_\_\_\_.  
☒ is enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231, on April 22, 2003.

*Lionel L. Lucchesi*  
Lionel L. Lucchesi

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**OFFICE OF PETITIONS**

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B. The issue fee of \$

- ☐ has been previously paid on \_\_\_\_\_.
- ☐ is enclosed herewith.

3. Terminal disclaimer:

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \_\_\_\_\_ for a small entity of \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

[NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment under 37 CFR §1.16 and §1.17 which may be required to Deposit Account No. 162201. *Duplicates of this sheet are enclosed.*



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